

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 5:14-CR-6
(BAILEY)**

JOHN CALVIN FIELDS,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge James E. Seibert **[Doc. 35]**, filed May 14, 2014. In that filing, the magistrate judge recommends that this Court deny as moot defendant’s Motion to Suppress Out-of-Court Identification **[Doc. 23]**, filed April 11, 2014.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); **Snyder v.**

Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R&R were due on May 28, 2014, pursuant to 28 U.S.C. § 636(b)(1). To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Doc. 35**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, this Court hereby **DENIES as moot** the defendant's Motion to Suppress Out-of-Court Identification [**Doc. 23**].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record.

DATED: June 18, 2014.


JOHN PRESTON BAILEY
CHIEF UNITED STATES DISTRICT JUDGE